

HB 2107 -- Blighted Areas

Sponsor: Marshall

This bill redefines "blighted area" as a structure:

(1) That was inspected by the appropriate local government and cited for one or more enforceable housing, maintenance, or building code violations that affect the safety of the occupants or the public and involve one or more of the following:

- (a) A roof and roof framing element;
- (b) Support walls, beams, and headers;
- (c) Foundation, footings, and subgrade conditions;
- (d) Light and ventilation;
- (e) Fire protection, including egress;
- (f) Internal utilities, including electricity, gas and water;
- (g) Flooring and flooring elements; or
- (h) Walls insulation, and exterior envelope;

(2) The cited housing, maintenance, or building code violations must not have been remedied within a reasonable time after two notices to cure the noncompliance; and

(3) The satisfaction of those violations must cost more than 50% of the assessor's taxable market value for the building, excluding land value, for property taxes payable in the year in which the condemnation is commenced.

The bill specifies that this state nor none of its political subdivisions or any other condemning entity can use eminent domain unless it is necessary for the possession, occupation, and enjoyment of the land by the general public or by public agencies; the use of land for the creation of functioning of public utilities or common carriers; or the acquisition of abandoned or blighted property.

The bill revises the provisions regarding the procedure the condemning authority must use in determining that a defined area is blighted to require the condemning authority, after making a finding that each parcel of property in the area to be condemned meets the statutory definition of blighted, to file a condemnation petition within five years after the redevelopment

plan is authorized. The authority to acquire the property will expire if no petition is filed within the five-year period or if any parcel of property in the area is determined not to be blighted. Future acquisition of the property after the five-year expiration must require the reauthorization of the project by the condemning authority.